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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,519	10/31/2003	Robert A. Larson	LR-101US	4220

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JANSSON, SHUPE, MUNGER & ANTARAMIAN, LTD
245 MAIN STREET
RACINE, WI 53403

EXAMINER

PARSLEY, DAVID J

ART UNIT PAPER NUMBER

3643

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/699,519	Applicant(s) LARSON ET AL.	
	Examiner David J. Parsley	Art Unit 3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 77-90 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 77-90 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8-28-06 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 77-82, 84 and 86-89 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,800,667 to Johnson in view of U.S. Patent No. 6,032,399 to DePoe and further in view of U.S. Patent No. 6,921,181 to Yen.

Referring to claims 77-78 and 86, Johnson discloses a fish landing apparatus having a handle – at 20, a frame – at 31,32, and a net – at 30 on the frame – see figure 1, the improvement comprising, the handle having a distal end – connected to item 11, facing the net – see figures 1

Art Unit: 3643

and 3, the frame being secured to the handle – via item 11 as seen in figure 3, and an illuminator – at 13,14, disposed in the distal end for illuminating the net – see figures 1 and 3, the illuminator including a light body – at 11, secured to the distal end – see figure 3, at least one light element – at 13, secured with respect to the light body – see figure 3, a lens – at the end wall of 11 facing the net as seen in figure 3 or at the outer surface of the light – at 13, attached to the light body – see figure 3, and at least one battery within the light body for electric power to the light – see figure 3 and column 2 lines 34-41. Johnson does not disclose the handle is formed by a plurality of telescoping sections. DePoe does disclose the handle – at 12,22, is formed by a plurality of telescoping sections – see at 12,22 in figure 2. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Johnson and add the handle having telescoping sections of DePoe, so as to allow for the device to be made low profile for easy storage and transportation. Johnson as modified by DePoe further does not disclose the light is a light emitting diode. Yen does disclose the light – at 21 is an LED – see figure 3. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Johnson as modified by DePoe and add the Led light source of Yen, so as to provide proper illumination of the device in the dark. Johnson as modified by DePoe and Yen further discloses the lens – proximate 25, is attached to the light body by a rotary switch lens cap – at 24,25, rotatably attached to the light body – at 26,28, for on/off switching of electric power to the LED and having a light passage portion therethrough – see at 24-25 in figure 3 of Yen. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Johnson as modified by DePoe and Yen and add the Led light source with lens of Yen, so as to provide proper illumination of the device in the dark.

Referring to claim 79, Johnson as modified by DePoe and Yen further discloses the illuminator is adapted for changing the light brightness level by rotating the rotary switch, the illuminator including a plurality of switch positions – along the threads between 25 and 26 as seen in figure 3, corresponding to a plurality of brightness levels access by rotating the rotary switch lens – along the threads as seen in figure 3, and an illumination level control – at 22,211,212,231, adapting the LED – at 21, to the plurality of brightness levels corresponding to the plurality of switch positions – see figure 3 of Yen. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Johnson as modified by DePoe and Yen and add the Led light source with illuminator of Yen, so as to provide proper illumination of the device in the dark.

Referring to claim 80, Johnson as modified by DePoe and Yen further discloses the frame – at 31,32 of Johnson, has at least one surface facing the light – at 13 – see – at 32 in figures 1 and 3 of Johnson, and having a reflective portion – see column 2 lines 48-58 of Johnson where the frame is made of metal which is inherently reflective,

Referring to claims 81-82, Johnson as modified by DePoe and Yen does not disclose the reflective portion is one of reflective tape and reflective coating containing fluorescent pigment. However, applicant does not state that using reflective tape or coating with fluorescent pigment is critical to the operation of the invention in view of other types of reflective materials. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Johnson as modified by DePoe and Yen and add the reflective tape or coating having fluorescent pigment, so as to allow for the device to be more visible to the user.

Art Unit: 3643

Referring to claim 84, Johnson as modified by DePoe and Yen further discloses the light body is further adapted a light beam emitted from the illuminator on the reflective portion – at 31,32 – see at 22 in figures 1 and 3 of Johnson.

Referring to claim 87, Johnson as modified by DePoe and Yen further discloses the handle at its distal end is a hollow tube – see at 20 in figures 1 and 3 of Johnson, terminating in an annular edge – see figure 3, and the light body – at 11, includes a first lengthwise portion configured for tight fitting engagement in the distal end – see at the rear portion of 11 and at 17 in figure 3, and a second lengthwise portion – at the forward portion of item 11, adjacent to and wider than the first lengthwise portion – see figure 3, such that it engages the annular edge – see proximate 13,14,16 in figure 3 of Johnson.

Referring to claim 88, Johnson as modified by DePoe and Yen further discloses the rotary switch lens cap – at 24,25, is adjacent to the second lengthwise portion – at the forward portion of 26, of the light body and is rotatable with respect thereto – see the threaded connection in figure 3 of Yen. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Johnson as modified by DePoe and Yen and add the Led light source with rotary switch lens of Yen, so as to provide proper illumination of the device in the dark.

Referring to claim 89, Johnson further discloses the light – at 13, is disposed in the handle – at 20, in the section closest to the frame – at 31,32 as seen in figures 1 and 3. Johnson as modified by DePoe and Yen further discloses the handle is a telescoping handle – at 12,22 of DePoe, including a plurality of telescoping sections – at 12,22 – see figure 2 of DePoe. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Johnson as

Art Unit: 3643

modified by DePoe and Yen and add the telescoping handle of DePoe, so as to make the device lower profile for easier storage and transport.

Claim 83 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson as modified by DePoe and Yen as applied to claim 82 above, and further in view of U.S. Patent No. 5,442,875 to Brundage et al. Johnson as modified by DePoe and Yen does not disclose the surface of the frame includes an optical filter for filtering light emitted by the frame. Brundage et al. does disclose the frame – at 12, includes an optical filter for filtering light emitted by the frame – at the outer surface of 12 – see column 4 lines 38-49 and column 6 lines 17-26.

Claims 85 and 90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson as modified by DePoe and Yen as applied to claims 77 or 89 above, and further in view of U.S. Patent No. 6,260,302 to Blaschke.

Referring to claims 85 and 90, Johnson as modified by DePoe and Yen does not disclose the frame is collapsible. Blaschke does disclose the frame – at 10,12, is collapsible – see figure 1. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Johnson as modified by DePoe and Yen and add the collapsible frame of Blaschke, so as to allow for the device to be made lower profile for easier transport and storage.

Response to Arguments

3. Regarding claims 77-90, the Yen reference US 6921181 discloses a rotary switch lens – at 24,25, including an LED light source – at 21, which is rotatable via the threaded connection of items 25 and 26 as seen in figure 3 to allow for the light source to be electrically connected to the

Art Unit: 3643


power source – at 261 via items 211,212,231 as seen in figure 3. Therefore it is deemed that the Yen reference discloses a rotary switch lens since applicant has not specifically defined the term “rotary switch lens” in applicant’s disclosure.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Parsley whose telephone number is (571) 272-6890. The examiner can normally be reached on Monday-Friday from 8am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


David Parsley
Patent Examiner
Art Unit 3643